



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 12-09

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose: Some of the changes to WAC 220-69-240 will restrict the amount of sardines and/or anchovy that can be *purchased* for purposes other than human consumption or bait. The restriction already applies to the amount of sardine and/or anchovy that can be *fished* for purposes other than human consumption or bait.

Other changes to WAC 220-69-240, and changes to the remaining sections in this rule-making, are meant to complement the federal electronic fish accounting system mandated for the Washington groundfish trawl fishery.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 220-69-210, 220-69-240, 220-69-246, 220-69-250, 220-69-256, 220-69-260, and 220-69-274.

Suspended:

Statutory authority for adoption: RCW 77.04.020, 77.12.045, and 77.12.047

Other authority : 50 C.F.R. 660

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 11-23-182 on 11/23/11.

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

phone () _____

Address:

fax () _____

e-mail _____

Date adopted: January 25, 2012

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 26, 2012

TIME: 11:00 AM

WSR 12-04-028

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	<u>7</u>	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>7</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

WAC 220-69-210 Definitions. The following definitions apply to this chapter:

(1) "Broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together. A broker is not required to have a wholesale fish dealer's license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.

(2) A broker who takes physical possession of fish or shellfish is an original receiver(~~(7)~~) and is required to complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker is required to complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish (~~(which)~~) that have entered the state from another state, territory, or country, if the fish or shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.

~~((2))~~ (3) "Buyer" means a person who receives fish or shellfish(~~(7)~~) and who is required to complete a fish receiving ticket. A wholesale fish dealer or a retail seller who directly receives fish or shellfish from a commercial fisher or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting as an agent for a wholesale fish dealer is required to have a fish buyer's license.

~~((3))~~ (4) "Department" means: The Washington Department of Fish and Wildlife, Information Systems, 600 Capitol Way North, Olympia, Washington 98501-1091.

~~((4))~~ (5) "Delivery" means arrival at a place or port(~~(7)~~) and includes arrivals from offshore waters to waters within the state, arrivals ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce.

~~((5))~~ (6) "Electronic fish receiving ticket" means the groundfish catch reporting system described in 50 C.F.R. § 660.113(b)(4)(ii) that is used to submit harvest and fishing information to the department and the National Marine Fisheries Service.

(7) "Fish" means food fish classified under WAC 220-12-010 and game fish taken by treaty fishers and sold commercially.

~~((6))~~ (8) "Fisher" means a Washington-licensed commercial fisher or holder of a delivery permit.

((+7+)) (9) "Fresh" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

((+8+)) (10) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

((+9+)) (11) "Nontreaty" means all entities not qualified by definition as "treaty."

((+10+)) (12) "Original receiver" or "receiver" means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer. A fisher who is not the holder of a direct retail endorsement and who sells fish or shellfish to anyone other than a dealer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce, is the original receiver of the fish or shellfish. A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish. A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided that the fish or shellfish are transported only to a cold storage facility or to a buyer.

((+11+)) (13) "Processed" means preparing and preserving((+)) and requires a wholesale fish dealer's license. Preserving includes ((+treated+)) treating with heat, including smoking and kippering. Cooked crab ((+are+)) is processed. Preserving also includes freezing fish and shellfish.

((+12+)) (14) "Shellfish" means shellfish classified under WAC 220-12-020.

((+13+)) (15) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes that are entitled to harvest fish or shellfish under the Makah, Medicine Creek, Nez Perce, Point Elliott, Point-No-Point, Quinault, Umatilla and Walla Walla, and Yakima treaties, or persons who are members of federally recognized treaty tribes whose reservations are located within Washington state and who harvest fish or shellfish within their tribe's reservation.

((+14+)) (16) "Wholesale fish dealer" or "dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce. A wholesale fish dealer is required to be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish to anyone other than a wholesale fish dealer is required to have a wholesale dealer's license. A retail seller who receives fish or shellfish in interstate or foreign commerce from a person who is not a wholesale fish dealer is required to have a wholesale fish dealer's license.

((+15+)) (17) "Working day" means Monday through Friday,

exclusive of a Washington state or federal holiday.

AMENDATORY SECTION (Amending Order 10-33, filed 3/2/10, effective 4/2/10)

WAC 220-69-240 Duties of commercial purchasers and receivers.

(1) It is unlawful for any person originally receiving fresh or iced fish or shellfish or frozen fish or shellfish that have not been previously delivered in another state, territory, or country, except purchases or receipts made by individuals or consumers at retail, to fail to:

(a) Be a licensed wholesale fish dealer or fish buyer((, and to fail to)); or

(b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities. Each delivery must be recorded on a separate fish receiving ticket.

(2) This section does not apply to persons delivering or receiving fish taken under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFO) Program (50 C.F.R. § 660.140) who are in compliance with the provisions of WAC 220-69-250(5) and who:

(a) Complete electronic fish receiving tickets prior to either processing fish or removing the fish from the delivery site; and

(b) Electronically submit the electronic fish receiving tickets to the National Marine Fisheries Service and the department no later than twenty-four hours after the date the fish are received.

(c) Electronically submit any amendments made to the mandatory information required under WAC 220-69-256 after the initial submission required under (b) of this subsection.

(3) For purposes of this section, the term "completed" means that scale weights have been recorded for all delivered fish. The term "submitted" means that all mandatory information required under WAC 220-69-256 has been entered and timelines under subsection (2)(b) of this section have been met.

(4) Failure to be licensed under ((this)) subsection (1) of this section is punishable under RCW 77.15.620. Failure to properly prepare a fish receiving ticket is punishable under RCW 77.15.630.

((+2)) (5) It is unlawful for any person originally receiving fresh or iced fish or shellfish previously delivered in another state, territory, or country, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities. Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

((+3)) (6) It is unlawful for any original receiver of ((crab or spot shrimp)) shellfish to fail to record all ((crab or spot

~~shrimp~~) shellfish aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish. Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

((~~+4~~)) (7) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its plant locations as declared on the license application, shall be authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, and/or licensed wholesale fish dealer who the buyers are operating under shall be responsible for the accuracy and legibility of all such documents initiated in its name.

((~~+5~~)) (8) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed must be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.

((~~+6~~)) (9) Forage fish:

(a) It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish must be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candlefish, anchovy, or sardine caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(b) In the coastal sardine fishery, ~~((the amount of sardine, by weight, purchased for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products for purposes other than human consumption or fishing bait, must be included))~~ it is unlawful to purchase, per sardine fishery vessel, more than fifteen percent cumulative weight of sardines for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait during the sardine fishery season. Sardines purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(c) In any forage fish fishery, ~~((the amount of anchovy, by weight, purchased for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products for purposes other than human consumption or fishing bait,))~~ it is unlawful to purchase anchovy in excess of fifteen percent, by weight, of the total landing weight per vessel, for the

purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products. Anchovy purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(d) Any violation ((of)) under this subsection is a gross misdemeanor, punishable under RCW ((77.15.640)) 77.15.630.

((77)) (10) Geoduck: It is unlawful for any person receiving geoduck((s)), regardless of whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoduck((s)) from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoduck((s)) from the department of natural resources harvest tract to the point of delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW ((77.15.640)) 77.15.630.

((8) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the delivery. The exact weights of whiting, by grade, and all incidental species in the delivery must be entered on the fish receiving ticket within twenty-four hours of the landing. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

((9)) (11) Puget Sound shrimp - Pot gear:

(a) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by phone at 360-466-4345, extension 245, or by fax at 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by phone at 1-360-796-4601, option 1, or by fax at 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, plus the total number of pounds caught by gear type, the Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and the species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW ((77.15.560)) 77.15.630.

((a)) (b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record ((either)) 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW ((77.15.640)) 77.15.630.

((b)) (c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW

~~((77.15.640))~~ 77.15.630.

~~((77.15.640))~~ ~~((c))~~ (d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW ~~((77.15.640))~~ 77.15.630.

~~((77.15.640))~~ ~~((d))~~ (e) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record ~~((either))~~ 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW ~~((77.15.640))~~ 77.15.630.

~~((77.15.640))~~ ~~((10))~~ (12) Puget Sound shrimp - Trawl gear:

(a) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning.

(b) For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by phone at 360-466-4345, extension 245, or by fax at 360-466-0515.

(c) For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by phone at 1-360-796-4601, option 1, or by fax at 360-586-8408.

(d) All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, the total number of pounds caught by gear type, the Marine Fish-Shellfish Management and Catch Reporting Area, and the species listed on each ticket.

(e) Violation of this subsection is a gross misdemeanor, punishable under RCW ~~((77.15.560))~~ 77.15.630.

~~((77.15.560))~~ ~~((11))~~ (13) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers, from Puget Sound, to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day. Reports must be made to the Point Whitney Shellfish Laboratory by fax at 360-586-8408 or by phone at 1-866-859-8439, option 5, and must specify the dealer name; dealer phone number; date of delivery of crab to the original receiver; and the total number of pounds of crab caught by nontreaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area. ~~((The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.))~~ Violation of this subsection is a gross misdemeanor, punishable under RCW ~~((77.15.560))~~ 77.15.630.

~~((77.15.560))~~ ~~((12))~~ (14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-47-001:

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of

salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location((~~7~~)); date of purchase((~~7~~)); each fish ticket number, including alpha, used on the purchasing date((~~7~~)); and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be submitted via fax at 360-902-2949; via e-mail at psfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279. In fisheries under Fraser Panel Control within Fraser Panel Area Waters (area defined under Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart F of the International Fisheries Regulations, 50 C.F.R. Ch. III § 300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a ((~~direct retail endorsement (7)~~))DRE((~~7~~)) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location((~~7~~)); date of purchase((~~7~~)); each fish ticket number, including alpha, used on the purchasing date((~~7~~)); and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-902-2949; via e-mail at trollfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279.

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a ((~~direct retail endorsement (7)~~))DRE((~~7~~)) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location((~~7~~)); date of purchase((~~7~~)); each fish ticket number, including alpha, used on the purchasing date((~~7~~)); and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased

(wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-664-0689; e-mail at harborfishtickets@dfw.wa.gov; or phone at 1-866-791-1280.

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a ~~((direct retail endorsement~~ ~~(+))~~DRE~~((+))~~ holder to fail to report all salmon offered, for retail sale.

(ii) The report must include dealer or DRE holder name and purchasing location~~((+))~~; date of purchase~~((+))~~; each fish ticket number, including alpha, used on the purchasing date~~((+))~~; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12, or 24 hours of closure of the designated fishery. The time frame for submitting reports will be established by the department at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery will occur in conjunction with the adoption of said fishery through the Columbia River Compact. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-906-6776 or 360-906-6777; via e-mail at crfishtickets@dfw.wa.gov; or via phone at 1-866-791-1281.

(e) Faxing a copy of each fish receiving ticket used, within the previously indicated time frames specified per area, satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW ~~((77.15.560))~~ 77.15.630.

~~((+13+))~~ (15)(a) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins, the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers, the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers, the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by fax at 360-902-2943, or by toll-free telephone at 866-207-8223.

(b) It is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to

record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

(c) It is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."

(d) Violation of this subsection is a gross misdemeanor, punishable under RCW ((77.15.560)) 77.15.630.

~~((14) Coastal spot shrimp: It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.))~~

NEW SECTION

WAC 220-69-246 Description of Washington state electronic fish receiving ticket. (1) There is hereby created a nontreaty electronic fish receiving ticket. Electronic forms are available to original receivers participating in the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program. The electronic form shall contain space for the following information:

(a) Fisherman: Name of licensed deliverer and department number assigned to licensed deliverer;

(b) Address: Address of licensed deliverer;

(c) Boat name: Name or Coast Guard number of landing vessel;

(d) WDFW boat registration: Washington department of fish and wildlife boat registration number;

(e) Gear: Code number or name of specific gear type used;

(f) Fisherman's signature: Signature of licensed deliverer;

(g) Date: Date of landing;

(h) Dealer: Name of dealer and department number assigned to dealer;

(i) Buyer: Name of buyer and department number assigned to buyer;

(j) Receiver's signature: Signature of original receiver;

(k) Number of days fished: Days spent catching fish;

(l) Catch area: Marine fish/shellfish management and catch reporting area code where the majority of the marine fish were caught or harvested;

(m) Species code: Department assigned species code;

(n) Individual numbers of fish species, if such fish are landed as part of an incidental catch allowance or catch ratio restriction that is expressed in numbers of fish rather than in pounds;

(o) The scale weight of all fish, to include fish with no value. However, if the department allows a species of fish to be dressed, and the fish is dressed as the department requires, such

fish can be recorded in its original dressed weight and designated as dressed on the fish receiving ticket;

(p) Value of fish sold or purchased: Summary information for species, or species groups landed as described in (q) of this subsection;

(q) Description of species or species category: All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050), and all others must be described with the relevant category or species name issued by the department;

(r) Federal limited entry permit number granting authority for the delivery. Separate electronic fish receiving tickets are required for each federal sablefish endorsed limited entry permit number used in the delivery;

(s) All legally defined gear as defined in 50 C.F.R. 660, Subpart D, and WAC 220-44-030, aboard the vessel at the time of delivery;

(t) Total amount: Total value of landing;

(u) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use;

(v) Seized/overage: Species and pounds of fish or shellfish; and

(w) Work area for dealer's use: Used at dealer's discretion.

(2) The electronic fish receiving ticket shall be used exclusively for nontreaty deliveries of fish harvested by participants lawfully involved in the Pacific Coast Groundfish Shoreside IFQ Program described in 50 C.F.R. 660.140.

AMENDATORY SECTION (Amending Order 09-262, filed 12/23/09, effective 1/23/10)

WAC 220-69-250 Required information on nontreaty fish receiving tickets. (1) Except as provided in subsection (5) of this section, it is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the mandatory information referenced in WAC 220-69-230 (1)(a) through (m) and (p) through (x) on each nontreaty fish receiving ticket.

(2) A valid license card or duplicate license card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of the requirements in WAC 220-69-230 (1)(a) through (e), except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of the requirements in WAC 220-69-230 (1)(h) and (i).

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa

Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

(5) Persons selling or receiving deliveries of fish made under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program (50 C.F.R. § 660.140) may use the electronic fish ticket system described in 50 C.F.R. § 660.113(b)(4)(ii) to enter mandatory information in lieu of completing a nontreaty fish receiving ticket, provided that the following conditions are met:

(a) All information required under WAC 220-69-256 has been entered on the electronic fish receiving ticket;

(b) Both the fisherman and original receiver have signed a legible, printed copy of the original electronic fish receiving ticket, plus all amended copies declaring the document and information contained therein as being true and accurate, and they have submitted such signed copies as prescribed in WAC 220-69-260; and

(c) A signed copy of the electronic fish receiving ticket and all amended copies are maintained by the original receiver at the place of business for a period of three years preceding the date of initiation.

(6) Violation of this section is a gross misdemeanor, punishable under RCW ((77.15.640)) 77.15.630.

NEW SECTION

WAC 220-69-256 Required information on electronic fish receiving tickets. (1) It is unlawful for a person required to complete a report under WAC 220-69-240 to utilize an electronic fish receiving ticket in lieu of a paper fish receiving ticket unless the mandatory information contained in WAC 220-69-246 (1)(a) through (w) is entered on each electronic fish receiving ticket.

(2) For the purposes of this section, an electronic fish receiving ticket means the ticket defined in WAC 220-69-246.

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

WAC 220-69-260 Distribution of copies of nontreaty fish receiving tickets. (1) State of Washington nontreaty fish receiving tickets shall be made out in quadruplicate (four copies) at the time of delivery. Upon completion of the fish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies as follows:

~~((1))~~ (a) The dealer copies (white and yellow) shall be retained by the receiver for ~~((their))~~ his or her use.

~~((2))~~ (b) The state copy (green) shall be mailed to the department. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

~~((3))~~ (c) Fisher copy (gold) shall be retained by the deliverer for ~~((their))~~ his or her use.

~~((4))~~ (2) It is unlawful for an original receiver to fail to comply with the following provisions:

(a) A signed copy of all electronic fish receiving ticket submissions must be mailed to the department.

(b) The electronic fish receiving tickets must be received by the department no later than the sixth working day after the ticket was completed or amended by the original receiver.

(3) Violation of this section is a gross misdemeanor, punishable under RCW ~~((77.15.640))~~ 77.15.630.

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

WAC 220-69-274 Signatures. (1) It is unlawful for the deliverer or original receiver of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving ticket ~~((, which signature shall be deemed certification of the correctness of))~~ to certify that all entries ~~((thereon. It is unlawful for the original receiver of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving))~~ on the ticket are accurate and correct.

(2) It is unlawful for the deliverer of treaty fish or shellfish to fail to sign the tribal copy of the treaty Indian fish receiving ticket ~~((, which signature shall be deemed certification of the correctness of))~~ to certify that all entries on the ~~((complete fish receiving))~~ ticket are accurate and correct. It is unlawful for the original receiver of treaty food fish or shellfish to fail to sign the ~~((complete))~~ completed treaty Indian fish receiving ticket.

(3) It is unlawful for the deliverer or original receiver of fish caught under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program (50 C.F.R. § 660.140) to fail to print and sign a copy of the completed electronic fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW 77.15.560.

(b) An original receiver who fails to sign a fish receiving ticket is in violation of RCW ~~((77.15.640))~~ 77.15.630.

~~((3))~~ (4) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the ~~((person))~~ agent has first obtained an

((~~additional~~)) alternate operator's license for the fishing vessel operated by the fisherman.

((~~(4) Should~~)) (5) If the receiver receives the fish or shellfish by any method other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature and together with the transportation ticket(~~(, and)~~). The receiver shall assume complete responsibility for the correctness of all entries on the fish receiving ticket.